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UNION PACIFIC RAILROAD COMPANY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VINCENT A. THOMAS

Plaintiffs,

v.

UNION PACIFIC RAILROAD COMPANY
and DOES 1-100,

Defendants.

Case No. CIV S-04-1007 FCD GGH

**STIPULATION AND ORDER
EXTENDING TIME FOR FILING
DISPOSITIVE MOTIONS AND
EXTENDING DISCOVERY CUTOFF
FOR PURPOSES OF TAKING
DEPOSITION OF SAM KEPHART**

Trial Date: November 29, 2005

“AS MODIFIED”

Plaintiff Vincent A. Thomas and Defendant Union Pacific Railroad Company hereby stipulate as follows:

This is an employment discrimination case. The Court’s August 3, 2004 pretrial order established a discovery cutoff of May 20, 2005. Dispositive motions must be heard by July 22, 2005. Trial is scheduled for November 29, 2005.

In December of 2004, Defendant UNION PACIFIC RAILROAD COMPANY ("Defendant") served a notice of deposition for Plaintiff Vincent Thomas for January 12, 2005. At the request of Plaintiff’s counsel, the deposition was continued to January 26th due to scheduling conflicts. However, shortly before the scheduled January 26th deposition date, Mr. Thomas underwent back surgery which precluded him from being deposed for several months, as

1 he was unable to sit for extended periods of time. Because of his injuries, plaintiff could not be
2 deposited until April 26, 2005. While originally noticed to continue the following day as well, Mr.
3 Thomas' deposition could not be concluded for scheduling reasons until May 9, 2005. The
4 complete transcript has not yet been received from the court reporter.

5 Plaintiff's counsel seeks to depose one of Defendant's managers, Sam Kephart, in
6 Southern California. Mr. Kephart has been on vacation for the past several weeks and will not
7 return until May 18th, just before the May 20th discovery cutoff. Defendant and Plaintiff have
8 agreed to extend the discovery cutoff for the sole purpose of taking Mr. Kephart's deposition by
9 two weeks to June 3, 2005, and request that the Court issue an order to this effect.

10 Because of these unavoidable delays in completing discovery due to Mr. Thomas' surgery
11 and Mr. Kephart's vacation, the parties also request that the last date for hearing any dispositive
12 motions be continued by approximately one month from July 22, 2005 to Friday, August 19,
13 2005.

14 IT IS SO STIPULATED.

15 Dated: _____, 2005

McQUAID BEDFORD & VAN ZANDT, LLP

16
17 By: _____

18 Robert L. Zaletel
19 Attorneys for Defendant
UNION PACIFIC RAILROAD COMPANY

20 IT IS SO STIPULATED.

21 Dated: _____, 2005

LEO F. DONAHUE, INC.

22
23 By: _____

24 Leo F. Donahue
25 Attorneys for Plaintiff
26 VINCENT A. THOMAS
27

PROPOSED ORDER

For Good Cause appearing, the court orders that the May 20, 2005 discovery cutoff shall be extended for the sole purpose of allowing Plaintiff to take the deposition of Defendant's manager, Samuel Kephart by no later than June 3, 2005. Any dispositive motions shall be heard by no later than August 12, 2005.

DATED: May 18, 2005

/s/ Frank C. Damrell Jr.
FRANK C. DAMRELL JR.
United States District Judge

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